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SUBJECT: SOLE SUSPECT ACQUITTED IN 2004 MURDER OF OPPOSTION EDITOR

REF: A. A) 2004 BELGRADE 1149, 1172

[1](#)B. B) 2005 BELGRADE 1741

SUMMARY AND COMMENT

[1](#)1. (U) Damir Mandic, accused of taking part in the May 2004 murder (Ref A) of the editor-in-chief of the opposition Podgorica based daily "Dan", Dusko Jovanovic, was acquitted on December 27 by the Higher Court in Podgorica. Mandic was accused of, along with other unknown persons, killing Jovanovic on May 27, 2004 at 23:45 with an automatic weapon fired from a car while Jovanovic was leaving the Dan editorial offices in Podgorica. Dan is an opposition daily which sharply criticized former PM Milo Djukanovic. Representatives of the opposition have used Jovanovic's murder as another club with which to hammer the Government, claiming it was politically motivated and that Montenegrin authorities have covered up the involvement of senior officials. End summary.

[1](#)2. (SBU) Comment: The murder of editor Jovanovic, and the trial of Mandic, have been highly politicized since the very first day. Additionally, the judges and courts of Montenegro are generally held in low esteem, and considered to be subject to impermissible outside influences. Both of these observations explain the sharp reactions to the acquittal; neither necessarily invalidates the legitimacy of the judge's ruling. With tempers and passions running hot on this case, no local observer has commented that the evidence never conclusively puts Mandic at the scene and time of the crime, nor does the evidence demonstrate that Mandic was aware of the intended purpose of the weapons and vehicle. Mandic may know more than he is admitting on the record; on the other hand, Mandic may have been just one of the "usual suspects" in a case where the GoM felt it had to be seen as doing something. But the rush to arrest to arrest just one member of what is claimed to be a larger conspiracy is as inexplicable as the apparent reluctance to arrest any other individuals implicated.

[1](#)3. (SBU) At this comparatively late date, the facts of the Jovanovic murder -- who was involved, and the motivations -- may never come out. Jovanovic was a controversial character; not only was he a leading critic of the Government and then PM Djukanovic, his business dealings ran the gamut of Montenegro society, including contacts with the violent if small organized crime strata. Nor can more mundane motivations for his murder be ruled out. To paraphrase, the recent trial of Damir Mandic

again demonstrates that hard cases make for bad law enforcement.

A more solid police and prosecution case would have allowed for justified criticism of an acquittal, but the holes in the evidence were sufficient to create reasonable doubts about whether the Government had proven its case against Mandic. End comment.

Crime and No Punishment

14. (U) The police and prosecution have, to date, only actively pursued one suspect in the May 2004 murder of opposition newspaper editor Dusko Jovanovic. One week after the murder, Damir Mandic was arrested for complicity in Jovanovic's murder. While forensic evidence connected Mandic to the instrumentalities of the crime, and Mandic had been associated with Jovanovic prior to the murder, the trial judge (coincidentally also named Mandic, but no relation) ruled on December 27 that the evidence was insufficient to sustain charges that Mandic was involved in the planning (or implementation) of the murder. Mandic was convicted of unrelated charges in a 2002 kidnapping.

Family and Opposition Embittered

15. (U) The family of the late editor assessed the verdict as an
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"unprecedented shame of the judiciary. Jovanovic's brother said that the family had long anticipated an acquittal, saying that the judge did all he could to hush up the murder. Jovanovic's widow announced she would appeal the ruling to numerous international courts. Jovanovic's colleagues from the daily "Dan" called it "scandalous," adding their view that enough evidence had been presented during the trial for Mandic to be convicted and calling upon the public to protest against the "shameful" decision.

16. (U) The opposition parties jointly stated that the verdict showed that Montenegrin judiciary is corrupted and that "law and justice are sold for dirty money." The opposition walked out of the parliament session during the debate on the 2007 Budget in protest, and moved for an emergency session of Parliament to discuss the case as well as 27 unresolved murders. They seconded the call for public protests; none have appeared so far. (Comment: The winter holidays and cold, wet weather have likely played a role in muting public reaction. End comment.)

17. (U) The Ruling coalition representatives repeated their support for the state institutions, indicating that the request for a parliamentary inquiry would be rejected. One exception was the head of the Montenegrin police, Veselin Veljovic, who defended the work of his department and assessed the Court's decision as an obstruction of the work of the police and other state bodies.

Prosecutor To Appeal Acquittal Verdict

¶8. (U) Montenegrin Supreme State Prosecutor Vesna Medenica has announced an appeal to the Appellate Court because of acquittal verdict. Medenica said the prosecution performed its job in a professional manner by providing "evidence of such reliability that has never before been reviewed by a court in Montenegro." She dismissed the accusations by the opposition about "corrupted prosecution" and called their representatives to prove those allegations.

BACKGROUND: NEWSPAPER EDITOR MURDERED

¶9. (U) Note: Following detail from the criminal proceedings is provided for visa lookout purposes, and to shed light on the current state of Montenegro's ability to prosecute organized crime. End note. Damir Mandic was arrested on June 3, 2004, on charges of participating, along with other unknown perpetrators, in the deliberate and planned murder of Dusko Jovanovic and his bodyguard Milorad Mirovic on May 27, 2004, in Podgorica. According to the bill of indictment, a group plotting to murder Dusko Jovanovic had on February 6, 2004 called Veselin Vuceljic from Mandic's mobile phone in order to buy a blue VW Golf 3 without license plate numbers (which is stated as being the vehicle from which Jovanovic was shot). The windows of that vehicle were tinted in a car service shop owned by Uros Marcetic, where also the fake license plates were placed on it. Mandic is accused of providing two automatic rifles (type Crvena Zastava - Red Flag) and putting them in the Golf, which was parked in the vicinity of Jovanovic's car Peugeot 605. A group was waiting for Jovanovic to come out of Dan's editorial offices and then fired 16 shots at him, shortly after which he died.

CSI Podgorica

¶10. (U) The Deputy of the Higher State Prosecutor, Ljiljana Klikovac, who handled the indictment, stated that forensic experts from Wiesbaden, Germany concluded that gunpowder particles from the shells collected at the crime scene correspond to particles found on the left and right sleeves of

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the defendant. Also, the defendant's DNA samples and fingerprints, mixed with those of others, were found in the Golf 3, on the second automatic rifle (found in the car but not used for firing at Jovanovic), and on an empty can of "Red Bull" found, some days after the murder, in the vicinity of the Golf. The Deputy Prosecutor announced that charges will be also pressed against witnesses who tried to provide an alibi for Mandic, by stating that at the time of murder they were with him. She stated that "those claims and attempts to provide a false alibi for Damir Mandic" were refuted by statements of a telecommunication expert, who, on the basis of the mobile telephone listings, established that the defendant's location at the time of murder was other than that stated by defendant's witnesses. The Deputy Prosecutor also put forward that Mandic had suddenly changed his travels plan: instead of traveling to Paris on June 5 and 6, 2004, for which he had reserved air tickets, he suddenly left for Belgrade, knowing that the police were looking for him and that his brother had been apprehended for questioning.

Defense Lawyers Allege Police Misconduct

¶11. (U) The lawyers for Damir Mandic, Zeljko Jovic and Velibor Markovic, stated that "key evidence", namely the "Red Bull" beverage container and an empty plastic bag of snacks, were furtively taken from Mandic's personal vehicle (confiscated by police after the murder) and later planted near the place where Golf was parked. They added that by comparison of the official police minutes with notes kept by the experts of the Forensic Institute of Wiesbaden it can be seen that "those pieces of evidence" were not among those originally submitted to the lab.

Purported Accomplices Questioned, Released

¶12. (U) During the investigation police informally accused Vuk Vulevic and Armin Musa Osmanagic being accomplices in the murder, however, criminal charges against them have never been brought. (Note: Both are also suspects in the August 2005 murder of Montenegrin police chief Scekic - Ref B.) The police investigation failed to disclose possible motives for the murder or those who had masterminded it. According to the press, police built the case on the statement by Damir Mandic made immediately after the arrest in which he supposedly disclosed to police all details relevant to the murder. Mandic denied his purported statement to police and defended himself during the trial by remaining silent.

Family Asked for Dismissal of Judge

¶13. (U) The trial lasted for about two years, with Judge Radovan Mandic replacing Radomir Ivanovic. The family of Dusko Jovanovic accused the ruling elite in Montenegro of murdering Jovanovic, proposing that the key political figures be summoned to the court, which was not accepted. Family and lawyers of Dusko Jovanovic accused Judge Mandic of favoring the defendant and cited his connections to previous verdicts of a "suspicious nature." Their motions to have Judge Mandic dismissed were rejected.

Judge Mandic Rules Evidence Insufficient on Murder Charge

¶14. (U) On December 27, Judge Mandic ruled there was no reliable evidence that Damir Mandic participated in the murder of Dusko Jovanovic. He explained that there was no valid evidence that Mandic had ordered and bought a VW Golf 3 using his mobile phone, or that he tinted the windows of the car. He added that

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there is no reliable evidence that he purchased two automatic rifles. Speaking about the location of Damir Mandic in the time of Jovanovic's murder, Judge Mandic stated that there were only presumptions that he was in the Golf 3 at that time. According to judge's explanation, several witnesses have confirmed

Mandic's alibi.

Conviction for Kidnapping

¶15. (U) Mandic was sentenced to two years in jail for the 2002 kidnapping of Miodrag Nikolic, who coincidentally was the target of an attempted assassination in late December in Serbia. The trial was joined to that on charges of plotting to murder Jovanovic. Mandic was released on December 27 from the prison unit in Spuz, credited with time served.
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